

## **REMARKS**

In view of a telephonic interview with Examiner Spisich and the following remarks, reconsideration and allowance of this patent application is earnestly solicited. Claims 1-2 and 7-12 stand rejected and are pending in this application. Claims 3-6 were previously withdrawn from consideration. No new matter has been introduced.

### **I. Interview Summary**

Applicant's undersigned attorney, Leslie Nguyen, would like to thank Examiner Spisich for the courtesies extended during the telephonic interview conducted in the present application. During the interview, Applicant's undersigned attorney addressed the arguments set forth in the Reply To Final Office Action Mailed April 24, 2009. More specifically, the interview focused on two main points: (1) upon consideration that the system in the cited Griffiths reference does not include an electronic control unit, one of ordinary skill in the art looking to the Griffiths reference would not be inclined to substitute electrical valves into a system based primarily on pneumatic valves, and (2) Griffiths does not teach a manually actuatable air-admission valve for direct admission of air to air-suspension bellows of a vehicle air-suspension system nor a manually actuatable vent valve for direct venting of air from the air-suspension bellows as affirmatively claimed in the patent application (i.e., independent claim 12).

With respect to the first point above, the Examiner maintained that it would have been obvious to substitute electrical valves into a system based primarily on pneumatic valves because of the known interchangeability of electrical and pneumatic valves.

With respect to the second point, the Examiner appeared to find the argument persuasive, but reserved judgment pending consultation with his Supervisor. The Examiner requested written presentation of the additional argument made during the interview.

## **II. Detailed Response**

In the Office Action, the Examiner rejected claims 1-2 and 9-12 under 35 U.S.C. § 103(a) as being unpatentable over Griffiths in view of Green. Applicants respectfully traverse the foregoing claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present patent application and prior submissions, Applicants' invention is directed to embodiments of a valve device for a vehicle air-suspension system. The valve device has a manually actuatable air-admission valve for admission of air to air-suspension bellows, a manually actuatable vent valve for venting the air-suspension bellows and a first electrically actuatable valve disposed in a common housing. A second electrically actuatable valve is also disposed in the housing. The manually actuatable air-admission valve can directly admit air into the air-suspension bellows, and the manually actuatable vent valve can directly vent air from the air-suspension bellows.

Griffiths describes embodiments of an air suspension system having height control valves connected to air springs and pneumatically connected to a pressure air supply. The system also includes a selector valve for manually overriding or bypassing the height control valves. The selector valve is connected via a second valve to the air springs. The second valve is also connected to the height control valves and has first and second operating conditions, whereby, under the first operating condition, the air springs are inflated/deflated via the height control valves, and, under the second operating condition, the air springs are inflated/deflated via the selector valve. The selector valve automatically reverts to normal condition so that the vehicle automatically returns to its normal ride height at the next service brake application.

Griffiths nowhere discloses, teaches or suggests the manually actuatable air-admission and vent valves and electrically actuatable valves that are housed in a common housing as affirmatively claimed in independent claim 1. Indeed, this was acknowledged by the Examiner.

Nor does Griffiths disclose, teach or suggest the manually actuatable air-admission valve for direct admission of air to air-suspension bellows of a vehicle air-suspension system and the manually actuatable vent valve for direct venting of air from the air-suspension bellows as affirmatively claimed in new independent claim 12. In contrast to the present claimed invention, after overriding the first and second electrically actuatable valves (height control valves 6, 7), the manually actuatable air-admission and vent valves (raise and lower valves 61, 62) disclosed in Griffiths require additional valves (65, 66) to admit or vent air from the air-suspension bellows. Green, Cayzele and Rensel do not cure this severe deficiency of Griffiths.

The Examiner relies upon Green to allegedly cure the noted deficiencies of Griffiths, but, respectfully, such reliance is misplaced. Green describes embodiments of a control unit for an active vehicle roll control system. The Examiner cites to Green for its general disclosure of vehicle suspension system valves disposed within a housing as well as the general use of electrically actuated valves. Applicants respectfully submit that one of ordinary skill in the art would not be inclined to substitute nor recognize the benefit of substituting the solenoid valves taught by Green into the system of Griffiths because the system of Griffiths relies solely on the use of pneumatic valves. As the Examiner noted, in order to control electrically actuated valves 70, 72, 76 and 78, the system of Green requires an electronic control unit (12), which is lacking in the system of Griffiths. Without an electronic control unit already in place in Griffiths, one of ordinary skill would not be inclined to substitute electrical valves into a system based primarily on pneumatic valves merely on the premise that electrical valves are generally known in the art.

The non-obviousness of combining Griffiths and Green is further evidenced by the different applications contemplated by the respectively different air spring systems. The Griffiths reference discloses a pneumatic air spring system used in trailers which includes two manually operated valves which lower and lift the suspension system when a trailer is decoupled from a tractor. In contrast, the Green reference discloses a completely different system -- namely, an air spring system for cars. In air spring systems for cars, manually operated valves are not necessary because with a car there is no need to decouple the car from a tractor or raise/lower the car to facilitate loading as is common with trailers. Given the foregoing disparate functionalities, one of ordinary skill would not be included to combine Griffiths and Green.

Moreover, it is submitted that the combination of Griffiths and Green would not yield the present claimed invention. Before the present claimed invention, it was conventional practice in the trailer area to use separate housings for manually operable valves and the pneumatic or electrical valves. Because the Green reference does even not disclose manually operable valves, one of ordinary skill would not be motivated to put manually operable valves and electrically operable valves in one common housing.

By taking in hindsight knowledge of the claimed invention and attributing elements thereof to Griffiths and Green to fashion claim rejections under 35 U.S.C. §103(a) when the cited art does not contain or support that knowledge, it is respectfully submitted that the Examiner is impermissibly using the claimed invention as a blueprint for its own reconstruction. The striking similarity between the Examiner's explanations for combining Griffiths and Green and the description of the advantageous improvements in Applicants' specification at paragraphs [0006] - [0014] of the present published application is telling. The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art

that existed at the time the invention was made. See e.g., *Interconnect Planning Corp. v. Feil*, 227 U.S.P.Q. 543, 547 (Fed. Cir. 1985), *W.L. Gore & Assoc. v. Garlock, Inc.*, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983).

For the foregoing reasons, it is respectfully submitted that one of ordinary skill in the art who reads and understands Griffiths and Green would not be inclined, let alone equipped, to arrive at the present invention as claimed in independent claim 1 or independent claim 12. Notice to the effect that claims 1 and 12 are patentable over the cited art is respectfully requested

It is further submitted that claims 2 and 9-11, which depend from independent claim 1, are allowable for the same reasons articulated above as well as for the additional features and structure recited therein. Notice to this effect is also respectfully requested.

Applicants specifically traverse the rejection of dependent claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Griffiths in view of Green, and further in view of Cayzele and Rensel. In addition to its allowability by virtue of its dependency from independent claim 1, claim 8 is respectfully submitted as allowable because neither Cayzele nor Rensel cure the deficiencies of Griffiths as discussed above. Cayzele describes embodiments of a method and device for automatic ride height control for a vehicle that limits speed in order to reduce stress on activating members. The Examiner relies upon Cayzele primarily for its disclosure of a displacement sensor (position sensors 9, 10) for sensing the distance from a suspension system to the road. Rensel describes embodiments of an air spring having a monitoring device for sensing the condition of the air spring and/or a tire. The Examiner relies upon Rensel primarily for its disclosure of a contactlessly operable sensing unit (height sensor 48).

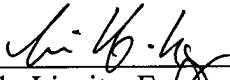
Furthermore, Cayzele and Rensel do not disclose a valve device for a vehicle air suspension system that employs manually actuatable valves and electrically actuatable valves

disposed in a common housing. Accordingly, claim 8 of the present application recites features and structures nowhere found in the Griffiths, Green, Cayzele and Rensel references, and, thus, these references, alone or in combination, cannot yield, teach or suggest the claimed invention.

On the basis of the telephonic interview with the Examiner and foregoing remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Reply. Please charge any fee deficiency to Deposit Account No. 50-0540.

Respectfully submitted,

  
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